



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,  
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.1340 of 2022

and W.M.P.No.1456 of 2022

C.Varadharasu

.. Petitioner

vs

1. Bharat Petroleum Corporation Ltd.,  
Rep. by its Territory Manager,  
Burmah Sheel Lane, 19/2, Big Bazaar Street,  
Ukkadam, Coimbatore 641 004.
2. The District Collector,  
Erode District, Erode-638 011.
3. The District Revenue Officer,  
Erode Collectorate,  
Erode-638 011.
4. The Divisional Engineer,  
Construction and Maintenance,  
Highways Department,  
Erode-638 002.
5. The Joint Chief Controller of  
Explosives, A & D Wing, Block 1-8, Sastri Bhavan,  
26, Haddows Road, Nungambakkam, Chennai 600 006.

6. S.Padmapriya

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the respondents 1 to 5 from permitting the 6th respondent to open and operate a new petroleum retail outlet at R.S.No.76/1G1A, Poonachi, Attavanai Pudur Village, Anthiyur Taluk, Erode District in violation of the distance norms prescribed under the IRC guidelines by considering the representation dated 11.07.2020.



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For the Petitioner : Mr.N.Manoharan  
For the Respondents : Mr.Anandan Natarajan  
for R-1  
: Mr.P.Muthukumar  
State Govt. Pleader  
for RR 2 and 3

#### ORDER

(Order of the Court was made by  
the Hon'ble Acting Chief Justice)

The writ petition has been filed to seek a direction on the respondents not to grant NOC for a retail outlet at R.S.No.76/1G1A, Poonachi, Attavanai Pudur Village, Anthiyur Taluk, Erode District.

2. The learned counsel for the petitioner has made a reference to a communication dated 18.08.2020 issued by the Divisional Engineer, C & M, Highways, Erode, on the subject matter. The communication aforesaid is in reference to the permission sought by the private respondent for issuance of NOC for a retail outlet. In reference to the communication, the State Authority took a decision not to issue NOC. Yet, the present writ petition has been filed without a material to apprehend issuance of NOC.

3. Further more that the NOC is to be issued subject to the compliance of the circular issued by the Government and thereby, an order not to issue NOC to a particular entity cannot be granted by this Court unless a decision is taken violating the circular or any other provision of law. If the NOC is issued in violation of the circular of the Government, the petitioner could have filed the writ petition, but without any valid material to apprehend issuance of NOC, the writ petition has been filed wasting the time of this Court.

4. Therefore, while dismissing the writ petition, a cost of Rs.20,000/- is imposed on the petitioner to be deposited with the Tamil Nadu State Legal Services Authority, Madras High Court, Chennai, within a period of one month from today.



Consequently, W.M.P.No.1456 of 2022 is closed.

The Registrar-Judicial is to see the compliance of the aforesaid order and if it is not made, to place the matter before this Court for further course of action.

Sd/-  
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

sra

To:

1. The District Collector,  
Erode District, Erode-638 011.
2. The Territory Manager,  
Bharat Petroleum,  
Burmah Sheel Lane,  
19/2, Big Bazaar Street,  
Ukkadam, Coimbatore 641 004.
3. The District Revenue Officer,  
Erode Collectorate,  
Erode-638 011.
4. The Divisional Engineer,  
Construction and Maintenance,  
Highways Department,  
Erode-638 002.
5. The Joint Chief Controller of  
Explosives, A & D Wing,  
Block 1-8, Sastri Bhavan,  
26, Haddows Road,  
Nungambakkam,  
Chennai 600 006.

Copy to:

1. The Registrar Judicial,  
High Court, Madras.



2. The Secretary,  
Tamil Nadu State Legal Services Authority,  
High Court, Madras.

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3. The Section Officer,  
Writ Section,  
High Court, Madras.

+1cc to M/s.N.Manokaran, Advocate, S.R.No.6997 (11/03/2022)

+1cc to the Government Pleader, S.R.No.7445 (11/03/2022)

W.P.No.1340 of 2022

RK(CO)  
SU(07/02/2022)